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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/551,198	10/31/1995	FREDERICK S. HERZ	P0813.70006US00	3864
23628 7590 08/14/2008 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER HUYNH, BA				
ART UNIT		PAPER NUMBER		
2179				
MAIL DATE		DELIVERY MODE		
08/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

08/551,198

Applicant(s)

HERZ ET AL.

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 5/5/2008 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 48 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "and/or" is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35-40, 47 are rejected under 35 U.S.C. 103(a) as being anticipated by US patent #5,717,923 (Dedrick), in view of US patent 5,870,770 (Wolfe).

- As for claim 35: Dedrick teaches a method for providing a user with access to selected target objects ("electronic information") that are accessible via

electronic storage media, wherein the user is connected via user terminal 12 and target server 18 which includes the electronic storage media (fig. 1), comprising the steps of:

Automatically generating target profiles (4:11-65, 8:64-9:14, 10:40-46, 13:36-41, 15:24-36) for the target objects stored in the storage media of server 18, each of the target profile being generated from the content of the target objects wherein each of the target profiles comprises generated information presenting the contents of the associated target object, the generated information includes an abstract, a portion of the document, or a title that summarily describing the document (8:64-9:14, 10:40-46, 13:36-41, 15:24-36),

automatically generating at least a user target profile interest summary (personal profile database, 5:34-66) for a user at a user terminal, each of the user target profile interest summary being generated from target profiles associated with at least one of the electronic information accessed by the user (5:34-49, 6:53-63, 7:10-35),

enabling user access to the stored electronic information via target profile and user profile (5:20-33, 6:34-52),

correlating the user target profile interest summary with the user profile to identify electronic information (5:27-29, 6:34-36),

transmitting a list of identified target objects to the user and allowing the user to select and retrieve desired target objects (9:11-24), the list is transmitted to the user prior to user selection of the information (8:20-46).

Per Dedrick, each of the target profiles comprises generated information presenting the contents of the associated target object, the generated information includes an abstract, a portion of the document, or a title that summarily describing the document (8:64-9:14, 10:40-46, 13:36-41, 15:24-36). It is not clear from Dedrick as to whether the “abstract, a portion of the document, or a title that summarily describing the document” are information derived from the content of the document. However, generating a brief description of a document is well known in the art of information access as is disclosed by Wolfe (3:40 – 4:17). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Wolfe’s teaching of generating a brief description of a network downloadable document to Dedrick. Motivation of the combining is for summarily describing the document as suggested by Dedrick. The textual description derived from the content of the document more accurately reflects the content of the document.

- As for claims 36, 37, 38, 47: A list of identified target objects is transmitted to the user and allowing the user to select and retrieve desired target objects (9:11-24). Electronic information is transmitted to server 14, which is closer to the client computer (fig. 1).
- As for claim 39: The user profile includes data indicating the number of page (“screen” of information) of the retrieved document accessed by the user (8:13).
- As for claim 40: The user target profile interest summary includes the length of time the user accessed a retrieved target object (8:1-13).

- As for claim 48: The associated target object is a hypertext document (Dedrick's 4:17-22), and wherein at least one target object profile includes a list of documents that the hypertext document linked to and/or a list of documents that link to the hypertext document (Wolfe's figs 7a-7c).

Claims 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick and Wolfe as applied to claim1 above, and further in view of Cutting et al (Scatter/Gather: A cluster-based Approach to Browsing large Document Collection).

- As for claim 41: A list of identified target objects is transmitted to the user and allowing the user to select and retrieve desired target objects (9:11-24).
Dedrick fails to clearly teach sorting of the target objects based on similarity contents, and generating a hierarchical menu identifying a content in common of target objects sorted into clusters. However in the same art of information retrieving, Cutting et al teach the method for sorting information into clusters based on similarity of its contents and presenting a hierarchical menu that identifies contents in common (page 319, "Scatter/gather browsing"; page 320, "Document Clustering"). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Cutting's clustering method to Dedrick for enabling a user to identify desirable target object. Motivation of the combining is for the advantage of being easier and more effective to retrieve information as expressly suggested by Cutting in the conclusion remarks (page 325).

- As for claim 42: The summary of the cluster is a profile having cluster attribute data to be considered by the user (page 319, col. 2, section 2). The profile is provided to each cluster produced during each successive clustering iteration (page 319, co. 2, section 2).
- As for claim 43: Target objects are divided and subdivided into multi-level hierarchy (page 319, "Scatter/Gather Browsing"; page 320, "Document Clustering").
- As for claim 44: The profile is provided to each cluster produced during each successive clustering iteration (page 319, co. 2, section 2).
- As for claim 45: Document clustering includes identifying of words (page 320, "Document Clustering").
- As for claim 46: Target objects are sorted into cluster of target objects that closest to the center of the cluster of target objects (page 322, par. 4, "Definitions" and par. 5, "Partitional Clustering"). A cluster profile comprising a set of words contained in the target profile of a selected object which have the highest relative frequency (par. 4.1, "Cluster digest").

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive in view of the combined Wolfe's teaching of generating textual description of the document..

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
/Ba Huynh/
Primary Examiner, Art Unit 2179